

REMARKS

The claims have been amended by rewriting claims 2, 15, and 22. Claims 2-6, 9-12, and 14-24 remain in the application. Reconsideration of this application is respectfully requested in light of the amendments and the remarks presented herewith.

In your Office Action dated September 8, 2003, you reject Claims 2-6, 9-12, and 14-24 as obvious in light of the combination of Haggerty (USPN 6,331,983) and Cotton (USPN 4,740,954). Specifically, Claims 2, 6, 9, 12 15-16, and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haggerty in view of Cotton. Claims 3-5 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haggerty in view of Cotton and further in view of Donahue (USPN 6,266,339). Claims 10, 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haggerty in view of Cotton and further in view of Adelman (USPN 6,006,259).

In response, Applicants' have amended claims 2, 15, and 22. Applicants' have added a limitation to independent claims 2, 15, and 22 so that Applicants' claimed invention is "independent of the multicast network." Support for the new limitation is found in Applicants' specification. See Applicants' specification, page 5, line 20-page 6, line 6; page 6, line 28 – page 7, lines 5; page 7, line 6 – page 8, line 23; page 9, lines 20 – 22; page 10, lines 12-16; page 16, lines 14-18.

Examiner cites that "Cotton discloses host sending packets to the multicast address in time interval, smaller than max time, to insure joining the group and table is not cleared." Office Action, pg. 3. Examiner also specifically cites that "Cotton discloses ... after a time interval greater than Max time, the network will forget this particular path." Office Action, pg. 8. As is stated in the Cotton patent, the table entries are kept by the network and by network switches whereby when packets transverse the network switches maintain tables whose entries have a time parameter to keep track of network paths being used. Cotton, col. 2, lines 40-48; col. 3, lines 23-28. Thus, the invention in Cotton requires that the network and network switches have table entries with an associated time parameter so as to keep track of paths in the network. Cotton, col. 2, lines 40-48; col. 3, lines 23-28. For the invention in Cotton to work as disclosed, the network and network switches need to be modified to accommodate tables whose entries have a

time parameter. Thus, Cotton's invention is *dependent* upon the type of network and network switches used in the multicast routing algorithm disclosed in Cotton.

Unlike the invention disclosed in Cotton, Applicants' claimed invention is *independent* of whether there are table entries kept by the network. Unlike in Cotton, where table entries need to be added to the network, namely the network switches, Applicants' claimed invention is "independent of the multicast network." Applicants' claimed invention does not require that changes, and particularly "tables whose entries have a time parameter" be made to the network as in Cotton. Cotton, col. 2, lines 40-48; col. 3, lines 23-28. Because the limitation of "independent of the multicast network" is missing from the Cotton prior art, using the Cotton patent as a basis for rejecting Applicants' invention is inappropriate. Since Cotton is an inappropriate basis for rejection, Cotton in combination with Haggerty or Cotton in combination with Haggerty in further combination with either Donahue or Adelman is an inappropriate basis for rejection of Applicants' claimed invention.

For these reasons, Applicants assert that the claims in the present application are in proper form for allowance and an early notice of allowance is respectfully requested. In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

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